

REMARKS/ARGUMENTS

The present amendment is submitted in response to the Office Action dated March 24, 2005, which set a three-month period for response. Filed herewith is a Request for a Three-month Extension of Time, making this amendment due by September 24, 2005 or, in the alternative, on Monday, September 26, 2005.

Claim 11-20 are pending in the application.

In the Office Action the abstract of the disclosure was objected to as not commencing on a separate sheet. The claims were objected to as containing reference characters that are not enclosed within parentheses. Claim 18 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 11-13 and 19 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by either U.S. Patent No. 3,977, 606 to Wyss ("Wyss '606") or U.S. Patent No. 4,243,616 to Wyss ("Wyss '616"). Claims 16-18 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over either Wyss '606 or Wyss '616. Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over either of the alternative references as applied to claims 11-13 and 19 above, and further in view of U.S. patent No. 6,262,425 to Ott. Claims 14 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over either of the alternative references applied to claims 11-13 and 19 above, and further in view of U.S. Patent No. 3,603,509 to Nechine.

In the present amendment, claim 18 has been amended to address the rejection under Section 112, second paragraph.

The claims have been amended to delete all reference numerals.

With regard to the substantive rejections, the Applicant respectfully disagrees with all of the stated grounds for rejection.

The cited patents to Wyss more accurately disclose a support tube, rather

than a profiled support. In addition, contrary to the Examiner's position, neither of the Wyss references discloses the "recessed area" in the sense of claim 11 of the present application. The support tubes of the Wyss patents are not provided with recessed areas; rather these tubes have cut-out portions or are provided with slots in the longitudinal direction of the aerator.

A further difference between the support tube of the Wyss references and the tube of the present application is that with the present invention, the air is guided only between the tube 2 and the profiled support 1, and NOT into the space enclosed by the profiled support. The liquid into which gas is to be introduced is located in the space enclosed by the profiled support or tube. In order to prevent an unwanted leaking of the air, specifically, outside of the tube of the aerators in the Wyss references, both ends of the profiles must be sealed (disc portion 20 and adapter 25 in Wyss '606 and end sections 16 and 18 in Wyss '616).

Claim 11 has been amended to more clearly define the above distinction over the Wyss references. Support for the new language of claim 11 can be found in the specification on page 8, lines 8-15.

With regard to the Nechine reference, Nechine requires that the ends of the support tube are sealed. As can be seen particularly well in Fig. 4 of Nechine, there the air is blown through the opening 24 in the support tube 1, in order to move at the end of the support tube into the space which forms between the tube and the hose (chambers 30, 31 and 32 in Nechine's Fig. 3).

Ott shows a groove 27, through which the air supply is to take place (see column 4, line 30, where gas is being conducted via groove 28). The groove is disposed only below. Therefore, the tube in this area should not be perforated (column 4, from line 37).

In contrast, with the present invention, the position of the recessed areas in the support body is irrelevant. Also, the recessed area must not lie where the tube is not slotted in the Ott reference. In contrast, with the present invention the tube can be slotted about its entire circumference.

As already noted above, the groove of Ott serves exclusively for air supply, while with the present invention, the tube should lie in the recessed area when the water aerator is not operating. Accordingly, the edges of the recessed area or the transitions from the support tube to the recessed areas are rounded. This prevents damage to the tube in this area from the sharp edges provided by Ott.

It is respectfully submitted that since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a prima facie case of obviousness as clearly set forth in MPEP section 2143.01.

In view of the foregoing, the Applicant respectfully requests reconsideration of the allowability of all claims 11-20 of the present application. In addition, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call from him in order to discuss any outstanding issues and to expedite placement of the application into condition for allowance.

Respectfully submitted,



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